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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHELLE BELLA,

Plaintiff,

v.

PALACE STATION HOTEL &
CASINO aka STATION CASINOS, et
al.,

Defendants.

2:11-CV-1042 JCM (PAL)

ORDER

Presently before the court is defendant Station Hotel and Casino, Inc.'s motion to dismiss plaintiff Michelle Bella's complaint for want of jurisdiction. (Doc. #13). Ms. Bella has failed to file a response.

Plaintiff's complaint seeks compensation for an alleged incident at the Palace Hotel and Casino, wherein she was allegedly bitten by bed bugs in June 2009. Defendant asserts that the medical bills plaintiff has provided total only \$1,200 and thus the amount in controversy requirement to invoke this court's subject matter jurisdiction is lacking. *See* 28 U.S.C. § 1332.

Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution

1 of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4)
2 the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic
3 sanctions.” *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d
4 1421, 1423 (9th Cir. 1986)).

5 In light of the plaintiff’s failure to respond and weighing the factors identified in *Ghazali*,
6 the court finds dismissal appropriate.

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant’s motion to
9 dismiss (doc. #13) be, and the same hereby is, GRANTED.

10 DATED May 2, 2012.

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UNITED STATES DISTRICT JUDGE
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